UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,357	08/20/2003	David Wendt	RSW920030138US1	6413

23307	7590	03/07/2006

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EXAMINER
HICKS, MICHAEL J

ART UNIT	PAPER NUMBER
2165	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/644,357	WENDT, DAVID
	Examiner	Art Unit
	Michael J. Hicks	2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>8/20/2003</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-20</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-20</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>20 August 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/20/2004</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-20 pending.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-2, 4-9, 11-16, and 18-20 rejected under 35 U.S.C. 102(e) as being

anticipated by Kamentz et al. (U.S. Pre Grant Publication Number 2005/0033767 and referred to

hereinafter as Kamentz).

        As per Claims 1, 8, and 15, Kamentz discloses a method, system and computer

program product for compiling source code using a compiler having a classpath,

comprising the steps of (i.e. *"...a system and method are provided for selecting a resource for use*

during execution of a software application...The third level includes the Application ClassLoader. This

class loader provides access to classes available through the CLASSPATH environment variable." The

preceding text excerpt clearly indicates that source code may be compiled (e.g. a software application

may be executed, which includes compilation) and that as part of the compilation, a classpath variable

may be used to retrieve classes.) (Page 1, Paragraph 0004; Page 4, Paragraph 0037): 1) determining

if a referenced class file is located in a workspace (i.e. *"Decision process 350 examines whether any acceptable resource version(s) are available on the local computer. If at least one is locally available, then process 360 loads the compatible resource from local storage for execution...However, if decision process 350 determined that an acceptable resource version is not locally available, then process 370 retrieves a compatible version, such as from a remote server...An Applet ClassLoader may be used to read classes from a remote machine and load them into the currently running VM...The versioned JAR cache may be a database capable of storing multiple versions of a resource and it's associated metadata..."* The preceding text excerpt clearly indicates that a determination as to whether the resource (e.g. in this case the referenced class file) is located on the local system or in the remote machine/workspace. Note that the remote machine which is referenced is defined to be a database system which stores multiple versions (e.g. working copies) of a resource and it's associated metadata. This can be construed to be a database which has different versions of the resource (e.g. class file) stored in workspaces.) (Figure 4; Page 4, Paragraphs 0036, 0037, 0040); 2) **locating said class file in said workspace** (i.e. *"However, if decision process 350 determined that an acceptable resource version is not locally available, then process 370 retrieves a compatible version, such as from a remote server."* The preceding text excerpt clearly indicates that the resource (e.g. class file) is located and retrieved/accessed from the remote machine/workspace within the database.) (Figure 4; Page 4, Paragraph 0036); 3) **accessing said class file** (i.e. *"However, if decision process 350 determined that an acceptable resource version is not locally available, then process 370 retrieves a compatible version, such as from a remote server."* The preceding text excerpt clearly indicates that the resource (e.g. class file) is located and retrieved/accessed from the remote machine/workspace within the database.) (Figure 4; Page 4, Paragraph 0036); and 4) **returning said class file data to said compiler** (i.e. *"However, if decision process 350 determined that an acceptable resource version is not locally available, then process 370 retrieves a compatible version, such as from a remote server. Process 380 locally stores the retrieved resource so that process 360 may load it for execution..."* The preceding

text excerpt clearly indicates that the resource (e.g. class file) is returned to and stored on the local machine for use during execution/compilation.) (Figure 4; Page 4, Paragraph 0036)

As per Claims 2, 9, and 16, Kamentz discloses the step of locating said class file further comprises the steps of: identifying a location of a class using a workspace indicator in said classpath (i.e. *"The third level includes Application ClassLoader. This class loader provides access to classes available through the CLASSPATH environment variable. An Applet ClassLoader may be used to read classes from a remote machine and load them into the currently running VM."* The preceding text excerpt clearly indicates that the classpath variable is used to locate classes, and also that classes may be retrieved from remote machines (e.g. a workspace within the version database as above). This further indicates that a workspace indicator must be present which would be placed in the classpath to direct the ClassLoader to the referenced class for retrieval.) (Page 4, Paragraph 0037); and reading said class from said location (i.e. *"The third level includes Application ClassLoader. This class loader provides access to classes available through the CLASSPATH environment variable. An Applet ClassLoader may be used to read classes from a remote machine and load them into the currently running VM."* The preceding text excerpt clearly indicates that the class is read/retrieved from the remote machine and loaded into the virtual machine of the local system.) (Page 4, Paragraph 0037).

As per Claims 4 and 11, Kamentz discloses the step of determining if a referenced class file is located in a workspace further comprises the steps of: reading an item from said classpath (i.e. *"The third level includes Application ClassLoader. This class loader provides access to classes available through the CLASSPATH environment variable."* The preceding text excerpt clearly indicates that an item may be read from the claspath in order to determine the location of a class file.) (Page 4, Paragraph 0037); determining if said item references said

file system or said workspace (i.e. *"The third level includes Application ClassLoader. This class loader provides access to classes available through the CLASSPATH environment variable. An Applet ClassLoader may be used to read classes from a remote machine and load them into the currently running VM."* The preceding text excerpt clearly indicates that, because the system is able to retrieve a class file from a remote machine, it must also be able to determine if the class file is located locally (e.g. in the file system) or remotely (e.g. in a workspace on the remote machine).) (Page 4, Paragraph 0037); **searching a file system directory specified by said item if said item references said file system** (i.e. *"Decision process 350 examines whether any acceptable resource version(s) are available on the local computer. If at least one is locally available, then process 360 loads the compatible resource from local storage for execution"* The preceding text excerpt clearly indicates that if the class file/resource is located locally/in the file system, the file system is searched according to the location in the classpath (as above) for the class file/resource.) (Page 4, Paragraph 0036); **and searching said workspace if said item references said workspace** (i.e. *"An Applet ClassLoader may be used to read classes from a remote machine and load them into the currently running VM."* The preceding text excerpt clearly indicates that the class is read/retrieved from the remote machine and loaded into the virtual machine of the local system if it is determined that the class file is located remotely.) (Page 4, Paragraph 0037).

As per Claims 5, 12, and 18, Kamentz discloses **said class file data is contained in a database** (i.e. *"The versioned JAR cache may be a database capable of storing multiple versions of a resource and it's associated metadata "* The preceding text excerpt clearly indicates the class file data (e.g. the resource being retrieved by the ClassLoader) is contained in a database.) (Page 4, Paragraph 0040).

As per Claims 6, 13, and 19, Kamentz discloses said class file is contained within a .JAR file in said workspace (i.e. *"The versioned JAR cache may be a database capable of storing multiple versions of a resource and it's associated metadata "* The preceding text excerpt clearly indicates that the class file (e.g. the resource retrieved by the Class Loader) may be in a .jar file within the workspace, as defined above.) (Page 4, Paragraph 0040).

As per Claims 7, 14, and 20, Kamentz discloses said source code is Java (i.e. *"Typically, the Java environment would use multiple levels of class loaders..."* The preceding text excerpt clearly indicates the source code is Java) (Page 4, Paragraph 0037).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 3, 10, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Kamentz in view of Bobbitt et al (U.S Pre Grant Publication Number 2003/0115218 and referred to hereinafter as Bobbitt).

As per Claims 3, 10, and 17, Kamentz fails to disclose said indicator comprises a signature string, a user ID, a project ID, and a workspace name.

Bobbitt discloses said indicator comprises a signature string, a user ID, a project

ID, and a workspace name (i.e. *"The directory structure stored in Gossamer namespace parallels*

the virtual directory hierarchy, wherein the files contained (logically) in the virtual directories are replaced

by file pointers having the same names as the original files...Accordingly, the respective file pointers to

these files having the same namespace and located in the same subdirectory path ("/user/joe") relative to

the /Namespace directory are stored in Gossamer namespace." The preceding text excerpt clearly

indicates that the classpath indicator, as disclosed above, may consist of a signature string (e.g. a pointer

which identifies the file/class file in its virtual file system/workspace location) which consist of a user ID

(e.g. joe in user/joe), a project ID (e.g. represented by user in /user) and a workspace name (e.g.

represented by /Namespace).) (Page 5, Paragraph 0053).

It would have been obvious to one skilled in the art at the time of Applicants

invention to modify the teachings of Kamentz with the teachings of Bobbitt to include

said indicator comprises a signature string, a user ID, a project ID, and a workspace

name with the motivation of allowing access to files in a virtual file system (e.g. a

workspace) by using a file pathname to identify the file and map it to a location which is

accessible from outside the virtual file system (e.g. workspace) (Bobbitt, Page 1, Paragraph

8).

Points of Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael J. Hicks whose telephone number is (571) 272-

2670. The examiner can normally be reached on Monday - Friday 8:30a - 5:00p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jeffrey Gaffin can be reached on (571) 272-4146. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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